

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/800,563 Confirmation No.9830

Applicant : Anthony M. Iannelli

Filed : 03/15/2004

TC/A.U. : 3635

Examiner : Jeanette E. Chapman

Docket No. : US-0204-I

Customer No. : 26904

REQUEST TO MODIFY NOTICE OF ABANDONMENT

Request is hereby made for modification of the Notice of Abandonment dated April 26, 2006 concerning the above-referenced application. In particular, Applicant requests that the grounds for abandonment and the date of abandonment be modified in view of Applicant's timely filing of a PCT continuation-in-part application, Petition for an Extension of Time and Petition fee.

List of Exhibits Accompanying this Request

Exhibit A	PCT Notification of International Application Number And Filing Date
Exhibit B	Express Mail Receipt

Exhibit C	First page of PCT Application
Exhibit D	Transmittal Letter for PCT Application
Exhibit E	Petition for Extension of Time for US Appln. No. 10/800,563
Exhibit F	Copy of Check No. 1411 for \$510 3-month Petition fee
Exhibit G	Cover sheet for Office Action dated 09/22/2005
Exhibit H, pp 1,2	Notice of Abandonment
Exhibit I	Refund check stub

Factual Basis for this Request

Applicant filed PCT Application No. PCT/US2006/01028 on 22 March 2006 (Exhibits A and B). The subject PCT Application is a continuation-in-part of U.S. Patent Application No. 10/800,563 (Exhibit C). Accompanying Applicant's PCT Application was a Petition for Extension of Time and a check to cover the Petition fee (Exhibits D, E and F). The last Office Action on Application No. 10/800,563 prior to filing Applicant's PCT application was dated Sep. 22, 2006 (Exhibit G).

Remarks

Applicant's PCT application, Petition for Extension of Time and \$510 Petition fee were filed on 22 March 2006. The foregoing documents constituted Applicant's response to the Office Action of Sep. 22, 2005. Since this response included a Petition for a Three-month extension of time and the appropriate fee, the time limit for responding to the Office Action of Sep. 22, 2005, was March 22, 2006. Accordingly, it is believed that the foregoing documents were timely filed and that the appropriate fee was paid. It is also believed that this Request for Modification is being made promptly,

in view of the absences of Applicant's attorney, the Examiner and the Examiner's Supervisor from their respective offices for various periods of time during the summer months, and further in view of the absence of any delay in the examination of Applicant's PCT continuation-in-part application during the interval between the Notice of Abandonment (Exhibit H, pp 1,2) and this Request for Modification. Since the \$510 Petition fee was refunded (Exhibit I), authorization to charge Applicant's attorney's credit card for the subject Petition fee is being made with this electronic filing.

Request

Accordingly, request is hereby made to modify the Notice of Abandonment for Application No. 10/800,563 to indicate that it was expressly abandoned when Applicant's PCT continuation-in-part application No. PCT/US2006/010288 was filed on March 22, 2006.

Respectively submitted,

 /wcr/
William Rambo
Attorney for Applicant
414 Walnut St Ste 508
Cincinnati, OH 45202-3913
Tel. 513-768-8901

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:
WILLIAM RAMBO
414 WALNUT ST. STE. 508
CINCINNATI, OHIO 45202-3913

PCT

NOTIFICATION OF THE INTERNATIONAL
 APPLICATION NUMBER AND OF THE
 INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing <i>(day/month/year)</i>	11 May 2006
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Applicant's or agent's file reference PCT-032206-I	IMPORTANT NOTIFICATION
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International application No. PCT/US2006/010288	International filing date <i>(day/month/year)</i> 22 Mar 2006	Priority date <i>(day/month/year)</i>
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Applicant	IANNELLI, ANTHONY M
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Title of the invention	ROOF GUTTER COVER SECTION WITH WATER DRAINING UPPER SURFACE
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1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

- ☒ was transmitted to the International Bureau on 11 May 2006
- ☐ has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:
- ☐ because the necessary national security clearance has not yet been obtained.
- ☐ because *(reason to be specified)*:

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/TB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION	Completed by: <u>SB</u>
<input type="checkbox"/> Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.	
<input type="checkbox"/> License for foreign transmittal not required. 37 CFR. 5.11(e)(1) or 37 CFR 5.11(e)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).	
<input checked="" type="checkbox"/> Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on <u>05 May 2006</u>	(date)
<input checked="" type="checkbox"/> 37 CFR 5.15(a)	<input type="checkbox"/> 37 CFR 5.15(b)

Name and mailing address of the receiving Office Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 Facsimile No. 703-305-3230	Authorized officer Sonya Barnes Telephone No. 703-308-9290 129
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Form PCT/RO/105 (July 1992)

Exhibit A

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635

EXPRESS MAIL Customer Copy
UNITED STATES POSTAL SERVICE® Post Office to Addressee

10 257606966 US

FROM: addressee **TO: addressee**

FROM: William R. Boush
419 Walnut St Ste 500
Cincinnati OH 45202-3973
PCT: 032206-1

TO: Mail Stop PCT
Commissioner for Patents
PO Box 1450
Alexandria VA

FOR PICKUP OR TRACKING
Visit www.usps.com
Call 1-800-222-1811

EMS

2/2/3 13 + 14 51
EXHIBIT B

Title of the Invention:

Roof Gutter Cover Section With Water Draining Upper Surface

Related Application

This application is a continuation-in-part of U.S. Patent Application No. 10/800,563 filed Mar. 15, 2004, now abandoned.

Technical Field

The present invention relates to covers or shields adapted to be mounted over a roof gutter to keep out leaves and other debris, and more particularly to gutter covers that channel or drain the rainwater into the gutter principally through their upper surfaces.

Background Art

In the past, typical gutter covers have been formed with a substantially imperforate upper surface or top portion and with a relatively deep, water-channeling trough located near the area where the cover is attached to the front lip of the gutter. This arrangement was believed to provide the most durability, leaf-shedding ability and pleasing appearance. However, the imperforate top, deep trough gutter cover was somewhat limited in its versatility. Likewise, the water-channeling trough tended to require a relatively elevated front wall that, in turn, occasionally resulted in difficulty mounting the rear portion of the gutter cover on the roof structure without changing the position of the gutter. As a result of these limitations, installing these conventional gutter covers could be relatively laborious or even impossible in the case of older structures such as half-round or box-style gutters. It is also believed that there is a need in the industry for a gutter cover that is less expensive to produce and install than the aforementioned conventional cover. Thus, the present inventor was faced with the problems of devising a more versatile and less expensive gutter cover than those currently marketed.


Disclosure of the Invention

The present invention is a cover section for a roof gutter and is fashioned to extend longitudinally in overlying relation to a length of the gutter. The present cover section may

EXHIBIT C

PTO-1382 (Rev. 07-2004)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL TO THE UNITED STATES RECEIVING OFFICE									
Express Mail mailing number: E0259606966US	Date of deposit: 03/22/2006								
File reference no.: PCT-032206-I	International application no. (if known):								
Title of the invention: Roof Gutter Cover Section With Water Draining Upper Surface									
Earliest priority date claimed (Day/Month/Year):									
<input checked="" type="checkbox"/> This is a new International Application									
SCREENING DISCLOSURE INFORMATION: In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (check as many boxes as apply):									
<input type="checkbox"/> The invention disclosed was not made in the United States of America.									
<input type="checkbox"/> There is no prior U.S. application relating to this invention.									
<input checked="" type="checkbox"/> The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on the Request (form PCT/RO/101) and this listing does not constitute a claim for priority.)									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">application no.</td> <td style="width: 40%;">10/800,563</td> <td style="width: 20%;">filed on</td> <td style="width: 40%;">03/15/2004</td> </tr> <tr> <td>application no.</td> <td></td> <td>filed on</td> <td></td> </tr> </table>	application no.	10/800,563	filed on	03/15/2004	application no.		filed on		
application no.	10/800,563	filed on	03/15/2004						
application no.		filed on							
<input checked="" type="checkbox"/> The present international application contains additional subject matter not found in the prior U.S. application(s) identified above. The additional subject matter is found on pages <input checked="" type="checkbox"/> DOES NOT ALTER <input type="checkbox"/> MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 C.F.R. 5.15.									
Itemized list of contents									
Sheets of Request form:	4	Check nos 1411 + 1412							
Sheets of description (excluding sequence listing):	6	Return receipt postcard: <input checked="" type="checkbox"/>							
Sheets of claims:	3	Power of attorney: <input checked="" type="checkbox"/>							
Sheets of abstract:	1	Certified copy of priority document (specify):							
Sheets of drawings:	5	Other (specify):							
Sheets of sequence listing:		Petition for Extension of Time Under 37 CFR 1.136(b)							
Sequence listing diskette/CD:		Not Fee Calculation Sheet							
Tables related to sequence listing CD:		Return Postcard							
The person signing this form is:	<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 29,694 <input type="checkbox"/> Common Representative	Name of person signing: William Rambo Signature: 							

This collection of information is required by 37 CFR 1.10 and 1.412. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Exhibit D

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818))		US-0204-T	
Application Number 10/800,563		Filed 03/15/2006	
For Roof Gutter Cover Section With Water Draining Upper Surface			
Art Unit 3635		Examiner Jeanette E. Chapman	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$80	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 29,694

☐ attorney or agent under 37 CFR 1.34.
Registration number acting under 37 CFR 1.34 _____

Signature
William Rambo

Typed or printed name

Date
03/22/2006

Telephone Number
513-768-8901

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit E

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635

The US Receiving Office stamp/label hereon will acknowledge receipt on the date indicated of the PCT application of Anthony M. Iannelli entitled "Roof Gutter Cover Section With Water Draining Upper Surface (Atty Doe No PCT-032206-I) comprising:

- Transmittal Letter to USRO
- PCT Request, 4 pages
- PCT Power of Attorney
- PCT Fee Calculation Sheet
- Check for \$1686 filing fee
- Written specification, 10 pages
- Drawing, 5 sheets
- Petition for Extension of Time
- Check for \$510 petition fee

WM. CATES RAMBO

ATTORNEYS AT LAW
414 WALNUT STREET, SUITE 508
CINCINNATI, OH 45202

1411

DATE Mar. 22, 2006

13-1542-420

PAY TO THE
ORDER OF

Director, U.S. Patent and Trademark Office

\$ 510.00

Five hundred, ten and 00/100

DOLLARS

 Huntington Bank

The Huntington National Bank
Cincinnati, Ohio 45202



FOR

Copy No. 10/800,563 Ext time

W. Cates Rambo

⑈001411⑈ ⑆042015422⑆ 01651104341⑈

WM. CATES RAMBO

ATTORNEYS AT LAW
414 WALNUT STREET, SUITE 508
CINCINNATI, OH 45202

1412

DATE Mar. 22, 2006

13-1542-420

PAY TO THE
ORDER OF

Director, U.S. Patent and Trademark Office

\$ 1,686.00

One thousand six hundred, eighty six and 00/100

DOLLARS

 Huntington Bank

The Huntington National Bank
Cincinnati, Ohio 45202



FOR

PCT-032206-I filing fee

W. Cates Rambo

⑈001411⑈ ⑆042015422⑆ 01651104341⑈

Exhibit F

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,563	03/15/2004	Anthony M. Iannelli	US-0204-I	9830
26904	7590	09/22/2005		
WM. CATES RAMBO 508 MERCANTILE LIBRARY BLDG. 414 WALNUT STREET CINCINNATI, OH 45202-3913				
EXAMINER CHAPMAN, JEANETTE E				
ART UNIT		PAPER NUMBER		
3635				

DATE MAILED: 09/22/2005

*Submitted
Notice 9/26/05*

Please find below and/or attached an Office communication concerning this application or proceeding.

Exhibit G

Application No. 10/800,563
Request to Modify Notice of Abandonment
Art Unit 3635



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 150
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,563	03/15/2004	Anthony M. Iannelli	US-0204-I	9830
26904	7590	04/26/2006		
WM. CATES RAMBO 508 MERCANTILE LIBRARY BLDG. 414 WALNUT STREET CINCINNATI, OH 45202-3913				
EXAMINER CHAPMAN, JEANETTE E				
ART UNIT		PAPER NUMBER		
3635				

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.


Exhibit H p.1

Notice of Abandonment	Application No.	Applicant(s)	
	10/800,563	IANNELLI, ANTHONY M.	
	Examiner	Art Unit	
	Chapman E. Jeanette	3635	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 September 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


 Jeanette Chapman
 Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.18f, should be promptly filed to minimize any negative effects on patent term.

Application No. 10/800,563
 Request to Modify Notice of Abandonment
 Art Unit 3635

NOTICE TO CHECK RECIPIENT		TREASURY-FINANCIAL MANAGEMENT SERVICE TFS FORM 5090 (Rev.)		
VENDOR NAME: WILLIAM RAMBO		VENDOR I.D. NUMBER: WILLIAM RAMB		
AGENCY NAME:	DEPARTMENT OF COMMERCE	U.S. TREASURY REG. FINANCIAL CENTER:	AUSTIN, TEXAS	
AND BILLING ADDRESS:	US PATENT AND TRADEMARK O 2051 JAMIESON AVENUE ALEXANDRIA VA22314	CHECK NUMBER	CHECK AMOUNT	CHECK DATE
		2221-26319831	\$****510.00	05-12-06
MAILROOM DATE: 03/22/2006 NAME/NUMBER: PCT/U506710288 ATTY DCK #/TRADEMARK: PCT-032206-1 MOUNT REFUNDED: 510.00 OVERPAYMENT FOR A SERVICE FOR QUESTIONS RELATING TO REFUND, CONTACT SONYA BARNES - 703 308 9290 X129				AGENCY SCHEDULE NUMBER CC20060018 AGENCY TELEPHONE NUMBER 571-272-6500

Exhibit I

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE